

as Exhibit B, a supplemental application data sheet in compliance with 37 C.F.R. 1.76.

Applicant respectfully requests the Examiner accept these supplemental papers in support of Applicant's claim of foreign priority.

**Claim Rejection based on 35 U.S.C. §102:**

**Claim No. 8:**

The examiner noted that Claim 8 is rejected as anticipated by Ahrens (4362101) under 35 U.S.C. §102. Anticipation requires that each and every element of the claimed invention be disclosed in the prior art reference. *Akzo N.V. v. United States Int'l Trade Comm'n*, 1 USPQ 1241, 1245 (Fe. Cir. 1987). Applicant therefore proposes the claim be amended as provided in the attached amended claims section of the within response. Claim No. 8 is now in a form that overcomes the rejection brought to the attention of the Applicant. Applicant respectfully requests Examiner review the claim amendment and recognize that the application is now in condition for allowance.

**Claim Rejections based upon 35 U.S.C. §103:**

**Claims 1, 4 and 7:**

The Examiner rejected claims 1, 4 and 7 under §103 as unpatentable over Muller (4826391) in view of Wall (4852489). Applicant respectfully disagrees with this opinion as Muller specifically teaches away from two of the most important aspects of applicant's invention. First, Muller teaches away from a single platen in favor of two separate rotating platens, each having an identical stamp insert member mounted on the platen. (See Column 3, lines 17-26). The incorporation of two separate moving platens is central to both the structure and purpose of the Muller patent. (See Muller, Column 2 at lines 24-40, and Column 3 at lines 24-29).

Moreover, Muller includes two embodiments, one which would be constructed entirely of plastic (See Muller, Column 3 at lines 13-15), as depicted in Muller Figs 1 to 3. The second Muller embodiment is constructed entirely of sheet metal components (See Column 3 at lines 47-48 and Muller FIG. 5,6). Muller does not disclose, nor is there any suggestion nor motivation to manufacture a device made from plastic but incorporating a metal plate surface for increased

rigidity. In fact, Muller specifically discloses two distinct embodiments of the invention with no reference or suggestion to combine the two embodiments, nor does Muller mention platen rigidity as either important or beneficial to the overall stamper design. Citing references which merely indicate that isolated elements and/or features recited in the claims are known is not a sufficient basis for concluding that the combination of claimed elements would have been obvious. *Ex Parte Hiyamizu*, 10 USPQ 2d 1393, 1394-95 (B.P.A.I. 1988).

Therefore, Muller does not render the claimed invention obvious, as it does not disclose a single reversible platen, nor does it disclose said platen to include a rigid metal plate connected to the platen body. Additionally, Mueller does not disclose, nor does it suggest this rigid metal plate be incorporated into a plastic stamper device.<sup>1</sup>

Similarly, while Wall discloses a crude cam type mechanism, the applicant respectfully disagrees that such a mechanism renders the applicant's cam and track mechanism obvious. Where the incentive to combine the teachings of the references is not readily apparent, it is the duty of the Examiner to explain why the combination of reference teachings is proper. *Ex Parte Skinner*, 2 USPQ 2d 1788, 1790 (B.P.A.I. 1986). No explanation is provided here and the application of the Wall reference is not apparent. "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so." *In re Fritch*, 23 USPQ 2d 1780, 1783-84 (Fed. Cir. 1992)(citations omitted).

The applicant's mechanism does not employ cam slot openings such as those designated in Wall as drawing item 43. Applicant's mechanism utilizes platen guide pins (146) and cam pegs (147), which pivot about one another while in continuous contact during the descent of the platen. Moreover, the Applicant's accuracy in the descent stroke of the platen assembly is controlled to significantly greater precision than that of the Wall device. This greater precision is

---

<sup>1</sup> Wall also does not teach a metal plate as reinforcement to the platen, but instead, teaches away from external types of reinforcement by advocating the use of plastic stiffening ribs, skirtwalls and ends. (See Wall, 3:29-36). Accordingly, there is no suggestion nor motivation to add an attached metal plate for rigidity.

accomplished through the continuous contact between the guide pins and cam pegs as well as the increased rigidity of the metal plate attached to the platen. In the Wall design, the cam slots (42 and 43) are elongated openings into which the pins (45, 46) must insert and release (See Wall FIGS. 3-5). The Examiner is incorrect in stating "said cam rotatably engages a first lower peg and a second lower peg" (Page 4, lines 6-7). The cam, referred to in Wall as the axle rod (40), does not engage the pegs (45, 46) at all, but rather, the end skirt (36) of the platen (7) engages the pins (45, 46) as described above, through rotatable insertion and release of the pins into and out of the cam slots (42 and 43). This insertion and release, coupled with the sharp cam slot angle of approximately 45° about which the platen turns on these pins results in irregular and jerking motion of the platen as it descends toward the paper surface. In addition, the repeated insertion and release of the pins and slots results in greater wear to the pin and skirt components, increasing the slop, diminishing the quality of the impression and decreasing the useful life of the stamper.

The performance of the applicant's invention is far superior to that of the prior art due to its smoother more precise and more rigid stamping action, as described above. This superior performance results in higher quality stamp impressions achieved at faster stroke speeds and with greater consistency throughout the longer useable life of the stamper. Thus, while Wall discloses a crude cam type mechanism, it does not disclose the precise and high speed cam mechanism of the applicant's device. The applicant's cam mechanism is totally different from that of Wall as it does not rely upon any slots and/or the repetitive insertion and release of pins into these slots. As such, applicant's invention is not rendered obvious as one skilled in the art would not include a guide pin and cam peg mechanism such as the applicant's based on the teachings, suggestions and motivations of the prior art.

Contrary to the Examiner's assertion, the rotating pin cam mechanism of the applicant's invention is novel and non-obvious. The fact that no such precision cam mechanism had been developed or introduced in the 15 years since the August 1, 1989 Wall patent is evidence of the lack of obviousness of this vastly improved design.

Applicant respectfully disagrees with Examiner on the rejection of claims 1, 4 and 7, as noted above. Applicant has, however, amended claims 1, 4 and 7 as per the attached amended

claims so as to clarify some of the points at issue. Applicant therefore respectfully requests Examiner review these claim amendments and recognize that the application is in condition for allowance.

**Claim 2:**

Applicant refers to and incorporates by reference the above discussion concerning the lack of obviousness of Muller and Wall. The Examiner cites to Hiroaki (JP 2001-270208) as teaching a die stamp (4) removably connected to a plate (6) by an adhesive (7). Applicant respectfully disagrees with Examiner for many reasons. First, based on the Hiroaki reference provided by the Examiner, the means by which Hiroaki component No.'s 4, 11 or 14 would be affixed to Hiroaki No. 1 or 2 is both undisclosed and uncertain. Based on the Hiroaki figures, the attachment means could be magnetic, adhesive or a variety of other undisclosed means. Moreover, there is no indication the Hiroaki reference involves a plate or a moving platen of any type of hand operated stamper. Where the incentive to combine the teachings of the references is not readily apparent, it is the duty of the Examiner to explain why the combination of reference teachings is proper. *Ex Parte Skinner*, 2 USPQ 2d 1788, 1790 (B.P.A.I. 1986). Here, the Examiner's assertion of obviousness is merely conclusory and unsupported by this reference.

Hiroaki merely suggests that some component, which may or may not be a stamp die, may be positioned upon a second component. Clearly, the Hiroaki reference does not render any adhesive means of attachment obvious, as no such disclosure is included in Hiroaki, as referenced and provided by the Examiner. Applicant, through reasonable and diligent search, was unable to locate any Hiroaki reference which was either translated to English or which contained further disclosure than that provided by the Examiner.

Applicant respectfully disagrees with Examiner on the rejection of claim 2, as noted above. Applicant therefore respectfully requests Examiner review the claim and recognize that the application is in condition for allowance.

**Claim 3:**

Applicant refers to and incorporates by reference the above discussion concerning the

lack of obviousness of Muller and Wall. Examiner cites Weir (4970954) as teaching a removable pad for the applicant's hand operated stamper to render this claim unpatentable over Muller (4826391) in view of Wall (4852489) and in further view of Weir (4970954). Based on applicant's above discussion of Muller and Wall, Applicant respectfully disagrees with Examiner that Weir is even at issue. Nonetheless, Weir teaches a removable pad which is removable only upon disassembly of the stamper (See column 3, lines 23-25). Applicant's ink pad is slidably removed from the stamper for quick and easy replacement of the pad while the stamper is completely assembled.

The Applicant disagrees with the Examiner, but has amended this claim for clarity as attached hereto. Applicant respectfully requests Examiner to review the claim amendments and recognize that the application is in condition for allowance.

#### **Claims 5 and 6:**

Applicant refers to and incorporates by reference the above discussion concerning the lack of obviousness of Muller and Wall. Examiner cites Hewitt (4579057) as teaching a cover to protect the upper housing to render this claim unpatentable over Muller (4826391) in view of Wall (4852489) and in further view of Hewitt (4579057). Applicant respectfully disagrees with the Examiner for many reasons. First, based on applicant's above discussion of Muller and Wall, Applicant respectfully disagrees with Examiner that Hewitt is even at issue. In addition, Hewitt fails to disclose the protective cover of the type disclosed and claimed by the Applicant. The Hewitt cover is transparent, appears quite flimsy and is held in place only by friction (See Column 2, lines 29-30). Applicant's cover, on the other hand, may or may not be transparent and it is firmly snapped in place to provide a unitized assembly for greater protection of the internal components as well as an area to display graphical material including, but not limited to, a sample of the imprint or advertising information.

The Applicant respectfully disagrees with Examiner's assertion on these claims but has amended the claims for clarity as attached hereto. Applicant respectfully requests Examiner to review the claim amendments and recognize that the application is in condition for allowance.

**Claim 9:**

Applicant refers to and incorporates by reference the above discussion concerning the lack of obviousness of Muller. Examiner cites Weir (4970954) as teaching a removable roof and a removable pad regarding a method of assembly of the applicant's hand operated stamper to render this claim unpatentable over Muller (4826391) in view of Weir (4970954). Applicant respectfully disagrees with the Examiner for many reasons.

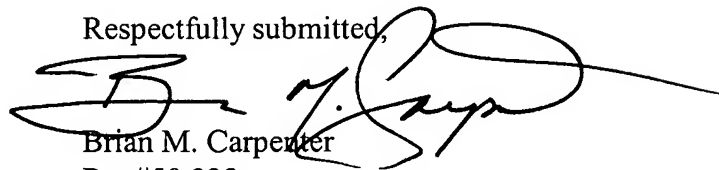
First, Mueller does not teach an assembly of a stamper to include a metal plate to be assembled with plastic housing and other components. Figure 5 of Muller is an assembly fabricated of sheet metal parts (See Column 3, lines 47-48), whereas the Applicant's invention is of plastic, with the exception of the rigid metal plate (and spring). In addition, the top cover of the Weir device is significantly different from that of the applicant, as discussed in the preceding paragraphs. Lastly, as discussed above, the removable ink pad of Weir is only removed upon disassembly of the top and springs of the stamper.

The Applicant disagrees with the Examiner, but has also amended this claim for clarity as attached hereto. Applicant respectfully requests Examiner to review the claim amendments and recognize that the application is in condition for allowance.

**Conclusion:**

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and requests that such action be taken by the Examiner.

Respectfully submitted,



Brian M. Carpenter

Reg#50,838

The Soni Law Firm

55 S. Lake Ave. Suite 720

Pasadena, CA 91101

Phone: 626-683-7600

Fax: 626-683-1199